

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 75, “Conditions of Eligibility,” and Chapter 76, “Application and Investigation,” Iowa Administrative Code.

These amendments:

- Exempt income from temporary employment by the U.S. Bureau of the Census from consideration in determining Medicaid eligibility and benefits. The Centers for Medicare and Medicaid Services is encouraging states to adopt this policy. Many low-income people obtain temporary employment during the census and might be discouraged from doing so if the income would affect their benefits.
- Make technical corrections to remove references to obsolete policies related to suspensions of eligibility and retrospective budgeting.
- Make technical corrections to clarify policies that have been troublesome on appeal or have raised questions about implementation.
- Make technical changes to update terminology referring to persons who are eligible for Medicaid and locations where various functions may take place in the Department.

Clarifications include the following:

- An Indian Health Service office may become qualified to determine presumptive eligibility for pregnant women.
- When the Department does not receive requested forms or information, assistance will be denied or canceled.
- Forms may be submitted electronically.
- A dependent child who is absent for educational purposes may continue to be counted in the household for the Child Medical Assistance Program.
- No allowance is made for child care expenses if one parent is able to take care of the children.
- Stepparents are allowed work expenses for care of an incapacitated adult.
- Proration of a nonrecurring lump sum begins with the month when the lump sum is received.
- Applicants determined eligible under the coverage group for treatment of breast or cervical cancer are not issued a Medical Assistance Eligibility Card. They are issued a Presumptive Medicaid Eligibility Notice of Decision as proof of eligibility.

These amendments do not provide for waivers in specified situations because the exemption of census income is a benefit and the other changes are technical changes that clarify existing policy. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on May 7, 2008, as **ARC 6775B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on July 9, 2008.

These amendments are intended to implement Iowa Code sections 249A.3 and 249A.4.

These amendments shall become effective on October 1, 2008.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 75, 76] is being omitted. These amendments are identical to those published under Notice as **ARC 6775B**, IAB 5/7/08.

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[For replacement pages for IAC, see IAC Supplement 7/30/08.]